

REMARKS

Summary of the Office Action

Claims 1-3, 6, 8 and 10-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 20020011783 to Hosokawa in view of U.S. Patent No. 3,622,829 to Watanabe.

Claims 4, 5 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Watanabe as applied to claim 1 above, and further in view of U.S. Publication No. 20020109456 to Morii et al.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Watanabe as applied to claim 1 above, and further in view of U.S. Patent No. 6,107,736 to Shi et al.

Applicants wish to thank the Examiner for the courtesies extended to Applicants' representatives during the personal interview of March 22, 2005.

Summary of the Response to the Office Action

Applicants have amended independent claims 1, 14 and 16 to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, claims 1-19 remain pending for further consideration.

Applicants have provided a description of the substance of the interview below.

Substance of the Interview

Applicants thank the Examiner for the courtesies extended to Applicants' representatives during the personal interview of March 22, 2005. During the interview, Applicants' representatives and Examiners Santiago and Rielley discussed the applicability of the teachings of Watanabe (US 3,622,829) to the disclosure of Hosokawa (US 2002/0011783). Specifically, Applicants' representatives requested reconsideration of the rejections citing the teachings of Watanabe. Accordingly, the Examiners agreed to withdraw the outstanding rejections in view of Watanabe.

During the interview, the Examiners indicated that a more applicable teaching reference may be found during an updated search of the prior art that may be combined with Hosokawa to reject at least the independent claims under 35 U.S.C. § 103(a). Accordingly, Applicants' representatives requested input from the Examiners regarding possible language to be included with at least the independent claims in order to overcome the disclosure of Hosokawa. Thus, the Examiners suggested amending each of independent claims 1, 14, and 16 to further recite that the transparent conductive material is disposed on an upper surface of the partition wall.

Accordingly, Applicants have amended each of independent claims 1, 14, and 16 to incorporate the language suggested by the Examiners in order to overcome the disclosure of Hosokawa.

All Claims Comply with 35 U.S.C. § 103

Claims 1-3, 6, 8 and 10-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Watanabe, claims 4, 5 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Watanabe and Morii et al., and claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hosokawa in view of Watanabe and Shi et al. (US 6,107,736). To the extent that these rejections might be applied against the presently-amended claims, they are respectfully traversed for at least the following reasons.

The Office Action appears to allege that Hosokawa discloses “a partition wall at a border portion between adjacent sub-pixel regions made of an insulating material (25; figure 3; paragraph 160)” and “a first electrode (22) made of a transparent conductive material in each sub-pixel region between adjacent partition walls.” In contrast to Applicants’ claimed invention and as acknowledged by the Examiners during the personal interview, Hosokawa neither teaches nor suggests that the transparent conductive material of the first electrode 22 may be disposed on an upper surface of the insulating material 25. Accordingly, Applicants respectfully assert that Hosokawa fails to teach or suggest the features of amended independent claims 1, 14, and 16.

In addition, as acknowledged by the Examiners during the personal interview, Watanabe is not applicable to Hosokawa, and therefore fails to remedy the deficiencies of Hosokawa. Accordingly, Applicants respectfully assert that Hosokawa and Watanabe, whether taken singly or combined, fail to teach or suggest at least a transparent conductive material disposed on an upper surface of the partition wall, as recited by amended independent claims 1, 14, and 16.

Moreover, the Office Action admits that “Hosokawa (‘783) [does] not teach that the partition wall is made of a transparent material.” Accordingly, the Office Action relies upon Watanabe to allegedly teach “a partitioning wall made of a insulating and a transparent material (column 2 lines 30-35).” Thus, the Office Action concludes that it would have been obvious “to combine Watanabe’s (‘829) transparent wall with Hosokawa’s (‘783) EL device in order to produce a brighter display device.” Applicants respectfully disagree.

First, Applicants respectfully assert that the Office Action fails to establish a *prima facie* case of obviousness with regard to independent claims 1, 14, and 16. Specifically, Applicants respectfully assert that the Office Action fails to provide any proper motivation why one of ordinary skill in the art would look to Watanabe for teaching forming the insulating film 25 in FIG. 3 of Hosokawa with a transparent insulating material. The Office Action alleges that modifying Hosokawa with the teachings of Watanabe would “produce a brighter display device.”

However, Applicants respectfully assert that Watanabe fails to teach or suggest anything with regard to forming an electrically insulating film of an organic electroluminescent device from a transparent material, such as glass, in order to “produce a brighter display device,” as alleged by the Office Action. More specifically, Applicants respectfully assert that Watanabe fails to provide any motivation to modify Hosokawa with regard to the electrically insulating film of the OLED of Hosokawa.

Second, Applicants respectfully assert that the alleged “partition wall” disclosed by Watanabe is anything but a “principal wall.” Specifically, Applicants respectfully assert that the disclosure of Watanabe, col. 2, lines 30-35, as alleged by the Office Action, merely discloses a “...the panel-shaped discharge tube, at least one principle wall of which is made of a transparent insulating material like glass...” Accordingly, Applicants respectfully assert that the text search for the term “wall” that may have performed during a search of Applicants’ claimed invention is inapposite to the use of the phrase “partition wall,” as used in Applicants’ independent claims 1, 4, and 16. Moreover, Applicants respectfully assert that although the age of a prior art reference may have no bearing upon applicability in an obviousness-type rejection, Applicants respectfully assert that the gas-filled glass tube technology of Watanabe is non-analogous to the solid state technology of Hosokawa. Thus, although Watanabe may teach using a glass tube in a fluorescent display device, Applicants respectfully assert that the skilled artisan would not look to Watanabe for modifying Hosokawa in order to form the electrically insulating film of insulating material that is transparent.

MPEP §2143.01 explicitly directs that “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).” Moreover, as further directed by MPEP §2143.01, although all aspects of the claimed invention may have been individually known in the art at the time the invention was made, a statement that modifications of the prior art would have been well within the ordinary skill in the

art “is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references.” Accordingly, Applicants respectfully assert that the Office Action has not provided any motivation, either implicitly or explicitly by Watanabe, to modify Hosokawa to arrive at Applicants’ claimed invention, as recited by independent claim 1. Thus, Applicants respectfully assert that the Office Action has failed to establish a *prima facie* case of obviousness with regard to presently-amended independent claims 1, 14, and 16, and hence dependent claims 2-13, 15, and 17-19.

In addition, Applicants respectfully assert that the Office Action does not rely upon any of Morii et al. and Shi et al. to remedy the above-detailed deficiencies of Hosokawa and/or Watanabe. Moreover, Applicants respectfully assert that the Office Action cannot rely upon any of Morii et al. and Shi et al. to remedy the above-detailed deficiencies of Hosokawa and/or Watanabe since none of Morii et al. and Shi et al. teach or suggest forming the electrically insulating film of Hosokawa of a transparent insulating material.

For at least the above reasons, Applicants respectfully assert that the rejections under 35 U.S.C. §103(c) should be withdrawn because Hosokawa and Watanabe, whether taken singly or combined, fail to teach or suggest the novel combination of features recited in presently-amended independent claims 1, 14, and 16, and hence dependent claims 2-13, 15, and 17-19.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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